

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/043,844

Confirmation No. 1147

Applicant : Richard Jay

Filed : January 14, 2002

TC/A.U. : 3634

Examiner : Blair Johnson

Docket No. : 30314/89

Customer No. : 1912

CERTIFICATE OF TRANSMISSION
I hereby certify that this correspondence is being facsimile
transmitted to the U. S. Patent and Trademark Office
on _____
Signature: John Ellison
Printed Name of Person Signing: John Ellison

DECLARATION OF PRIOR INVENTION PURSUANT TO 37 CFR § 1.131

Sir:

I, NEAL L. ROSENBERG, hereby declare and state that:

1. I am an attorney registered to practice before the U.S. Patent and Trademark Office (Registration No. 21,088) and an associate in the firm of Amster, Rothstein & Ebenstein.
2. I have been responsible for the day-to-day activity of said firm with respect to the above-identified application and the invention described and claimed therein.
3. As part of such responsibility, I requested our Washington associate Matt Kasap, Esq. to conduct a patentability search regarding a "Display Tray With Depth-Extension Means." A copy of that search request (including two sheets of drawing) is enclosed.
4. All dates have been excised from the search request (and the accompanying drawings). All such excised dates were prior to the October 31, 2001

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Declaration dated December 6, 2004
Reply to Office Action of August 13, 2004

filing date of Primiano, et al., U.S. 6,615,995, this being the effective date of the reference.

5. The above-identified application was filed on January 14, 2002, within two and one-half months of the effective date of Primiano.

6. Accordingly, Applicant had a conception of the invention as presently defined in the above-identified application prior to the effective date of Primiano, coupled with due diligence from prior to October 31, 2001 to the filing of the application on January 14, 2002.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: New York, New York
December 9, 2004

By: Neal L. Rosenberg
Neal L. Rosenberg

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*NOT ADMITTED IN NEW YORK

June 26, 2001

Matt Kasap, Esq.
2001 Jefferson Davis Highway
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Re: Patentability Search
Display Tray with Depth Extension Means
Our File 30314/89

Dear Matt:

Please conduct a patentability search on the above-identified invention as illustrated in the accompanying two sheets of drawing. Please conduct the search on an expedited basis.

We enclose a copy of a search request dated March 20, 2001 and your response dated May 3, 2001 as the present search is closely related to that search.

The results of your prior search show a shelving unit having depth extension means but requiring two separately molded pieces. See Flum U.S. 4,478,337 (Shelving Unit) wherein the depth of a shelving unit may be adjusted by varying the degree of telescoping between a front end and a back end.

The essence of the present invention is that only one component (the full length tray) must be manufactured, and that such one component may be combined with portions of a like component (another one of the full length trays) in order to provide depth extension.

According to the present invention, it is only necessary to mold a single piece—namely, the full 26 inch long tray unit. The front end of the tray includes an upstanding front lip, and the rear end of the tray includes rearwardly projecting tabs or projections. The body of the tray is adapted to be broken away, first, at a ten inch point

Matt Kasap, Esq.

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rearwardly along the length of the tray, then, at an 18 inch point, and, finally, at 20, 22 and 24 inch points.

In order to extend the depth of a full 26 inch tray, a second identical 26 inch tray is broken off to remove at least the 10 inch front portion, and optionally either the 8 inch portion or the 8 inch portion and one or more of the two inch portions as well. The broken off forward portions are discarded, and the remaining back portions are used as the depth extension means.

Channels extend longitudinally under the surface of the full tray from at least the 10 inch breakaway point to the rear end of the tray. Thus, when a forward portion of the tray is broken away the channels on the front of the next portion become exposed. These channels can telescopically and lockingly receive the tabs on the rear end of the full tray, so that the back end of a full tray is joined with what is left of another tray (from which a forward portion has been removed). Depending on the degree of depth extension desired, anything from 2 inches to 16 inches ($8 + 2 + 2 + 2 + 2$ inches) may be achieved by sacrificing one tray and even greater lengths can be achieved by sacrificing more trays.

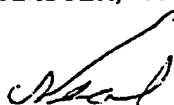
Note that the tabs would only be on the back of the last two inch segment of the full tray, but that the channels would be at the front of each portion except the front 10 inch portion with the upstanding front lip. Of course, there can be no raised back wall in a tray according to the present invention.

The invention does not depend upon the particular tab-and-channel system described above, and any type of two part connectors can be utilized. Further the lengths of the full tray and each portion thereof may be different.

Please let us know if you require additional information in order to conduct the search.

Very truly yours,

AMSTER, ROTHSTEIN & EBENSTEIN



Neal L. Rosenberg

NLR:de
Encl.

cc: Daniel S. Ebenstein, Esq. (w/encl.)

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